

***Out-of-Title Work
(Substitution)
Part I***

LABOR EMPLOYEES

SCOPE

Out-of-title work is intended to be temporary in nature. The rules of the Civil Service Commission governs the filling of permanent positions. An employee may not voluntarily perform the duties of the out-of-title class nor be assigned these duties without receiving out-of-title compensation.

ELIGIBILITY

A labor employee is an employee who is appointed from a certified employment list of eligible to a labor position.

A labor employee will receive out-of-title compensation provided that all of the following conditions are met:

- The employee has been officially assigned to perform the job duties of a higher class, and:
 - Is currently serving in lieu of the higher class; OR
 - Is not serving in lieu of the higher class is absent for 1 of the following reasons:
 - Illness or incapacitation.
 - Leave of absence.
 - Vacation, personal, sick, or compensatory leave.
 - On temporary loan to another agency.
 - No longer employed in that position by the agency, and the position is therefore vacant.
- If the position is to be filled on a permanent basis, the agency must submit an official request to fill the position. If an employment list exists, agencies must

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begin the selection process immediately.

- The employee has not received out-of title pay cumulatively for more than 120 work days in the current fiscal year.
- The agency head certifies that funds are available in the budget to cover the increased cost.

CIVIL SERVICE APPROVAL

The Civil Service Commission must approve all out-of-title assignments which involve increases of 5 or more salary grades prior to the beginning of the assignment.

The agency must address a MEMO {28-1418-5007} and a completed POSITION DESCRIPTION form {28-1618-5064} to the Classification Division of the Civil Service Commission requesting a review of the out-of title work being performed. If Civil Service determine that the employee is assuming all the duties and responsibilities of the higher class, the payment of out-of-title compensation will be approved.

The Central Payroll Division and the agency will be notified by Civil Service of all approved requests.

Note: For purposes of computing the number of salary grades involved when an employee moves between union or employee groups, salary grade 40 should be considered equivalent to salary grade 110.

AMOUNT OF COMPENSATION

A labor employee who is eligible for out-of-title pay will receive the rate of the salary level in the grade of the higher class immediately above his existing rate of pay plus longevity, if applicable. If the resulting increase is less than 5¢ per hour, the employee will be paid at the next higher level, provided such increase does not exceed the maximum rate of the higher class.

EFFECTIVE DATE

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Labor employees eligible for out-of title pay will receive the higher rate of pay effective the first hour of assignment to the higher class.

Payment of out-of-title compensation may be made in units of less than whole days, but not less than ½ hour.

MAXIMUM ALLOWABLE DAYS

The maximum allowable days for which out-of-title pay is authorized is 120 cumulative work days per fiscal year.

APPROVALS

60 WORK DAYS OR LESS

Agency or bureau heads must approve out-of-title work for 60 work days or less by certifying on a PAYROLL ATTENDANCE REPORT (147-019) {AM-204-16-1} or a WEEKLY PER DIEM TIME SHEET (147-020) that such work has been performed.

MORE THAN 60 WORK DAYS

Out-of-title work beyond 60 work days must be approved by the Expenditure Control Committee (ECC) prior to the 61st day of performance of such work by an employee.

Requests from agency or bureau heads for such work may be granted by the ECC for any of the reasons cited in the applicable “ELGIBILITY” section of this policy.

CERTIFICATION DEADLINE

Agency or bureau heads must certify out-of-title work has been performed during the pay period in which the employee was authorized by the agency or bureau head to perform such work.

LATE CERTIFICATIONS

Failure of the agency or bureau head to certify out-of-title pay during the current pay period requires ECC approval before payment can be authorized when the employee is continuing to perform out-of-title duties. The appointing officer should send a MEMO to the Civil Service

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Commission outlining the circumstances of the failure to certify; the Civil Service Commission will forward its recommendation to the Expenditure Control Committee. This request is limited to the period not certified by the agency or bureau head.

In cases where the agency or bureau head approved the out-of-title work to be performed, but failed to certify the performance of such work, and the employee is no longer performing the out-of-title duties, then the agency or bureau head must send a MEMO to the Civil Service Commission outlining the circumstances surrounding the failure to properly certify the out-of-title work performed; the Civil Service Commission will forward its recommendation to the ECC. If favorably reviewed by the ECC, then the approval of the Board of Estimates is necessary before payment can be authorized.

HOLIDAYS AND LEAVE DAYS

Out-of-title pay will not be authorized for labor employees for leave days or holidays.

EMPLOYEES LISTS

The Bureau of Management Information Systems (BOMIS) will generate every payroll period a list which contains the names of employees who have worked 60 to 120 cumulative work days during the current fiscal year in an out-of title assignment. Bomis will forward this list to the Central Payroll Division for distribution to agency bureau heads and the Department of Audits.

Agency heads are responsible for ensuring that the limits stated within this policy for the performance of out-of-title work are not exceeded.

AUTOMATIC PAY REDUCTION

The Central Payroll Division will automatically reduce an employee's pay to the employee's appropriate salary and grade level when the employee attains 120 cumulative work days during the fiscal year in an out-of-title assignment.